

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 1 - 40 are pending in the application. Claims 1, 2, and 6 - 40 stand rejected and claims 3 - 5 stand objected to.

By the present amendment, claim 3 has been placed into independent form. Thus, claims 3 - 5 are now allowable. Still further, claims 1, 2 and 29 have been amended and claim 6 has been cancelled without prejudice.

In the office action mailed March 27, 2008, claims 1, 2, 7, 9 - 13, 15, 16, and 21 - 23 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,490,343 to Smith, Jr. et al.; claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of U.S. Patent No. 6,556,148 to Ellis; claims 8, 14, 17 - 20, and 24 - 28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Smith; claims 29, 31, and 33 - 35 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,388,992 to Franklin et al.; and claims 30, 32, and 36 - 40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin.

The foregoing rejections are traversed by the instant response.

Claim 1 as amended herein is directed to a device for use by a deaf and blind individual comprising a cane to be held in a hand of said deaf and blind person; said cane having a first means for manually inputting a series of words in the form of a code; said cane having a second means for manually inputting an action to be performed by the device; said cane having a third means for manually inputting a preference; and said cane having a fourth means for manually inputting communication instructions.

The Smith patent relied upon by the Examiner is directed to a telephone system which can be used by a hearing impaired person. There is no disclosure of a cane to be used by a deaf and blind person which incorporates the claimed means. Thus, the rejection under 35 U.S.C. 102(e) of claims 1, 2, 7, 9 - 13, 15, 16, and 21 - 23 and the rejection of claims 8, 14, 17 - 20, and 24 - 28 on obviousness grounds over Smith is now moot.

The Ellis patent is directed to a walking stick which includes a handle, a battery or power source, a microphone, an oscillator, a modulator, a transmitter, an antenna, a duplexer, a receiver, a processor, a warning device, a

global positioning system, a video lens, a video camera, and a radar sensor. It lacks the claimed first, second, third, and fourth means.

It is submitted that the claimed invention is not obvious over Ellis and Smith. First and foremost, the secondary reference to Ellis comes from non-analogous prior art. As a result, it would not be obvious to combine Smith and Ellis in the manner described by the Examiner. Second, Ellis has no interest in communications of the type being claimed and lacks the manual means for performing the various functions set forth in the claim. As for Smith, it relates to a telephone system for sending a message to another phone via transmission of a short code. There is no reason to combine the system shown in Smith with Ellis or to put Smith's system on a cane. Applicant submits that such a rejection is nothing more than a hindsight rejection. The mere fact that certain claimed subject matter can be found in non-analogous references is not sufficient to establish a case of obviousness. The Examiner has not explained why one of ordinary skill in the art would want to combine the references.

For these reasons, claim 1 as amended should be allowed.

Claims 2 and 7 - 28 are allowable for the same reasons as claim 1 as well as on their own accord.

Claim 29 as amended herein is directed to a system for allowing a hearing impaired and/or a blind person to enjoy a television program comprising input means for receiving information about an oral presentation being made as part of said television program; and means associated with said input means for transmitting a signal to at least one body part of said person representative of words being spoken and non-verbal events occurring as part of said oral presentation.

Franklin transforms sound to tactile excitations, however, the tactile received by the person is a "dumb" tactile that does not convey any intelligence and is the mere morphing of sound vibration to mechanical vibrations and as such is no more than auditory transmission to tactile sensation for enjoyment. There is no understanding of audio speech components and no intelligence of lingual elements imparted to or via the tactile excitation. Thus, there is no comparison to the device of the present invention which conveys the intelligence of thought that a hearing person can verbalize. In particular, Franklin does not transmit a signal to any body part which is

representative of non-verbal events occurring as part of the oral presentation.

For these reasons, claim 29 as amended is allowable over Franklin.

Claims 30 - 40 are allowable for the same reasons as claim 29 as well as on their own accord. With regard to claim 30, there is no reason for Franklin to transmit an electric current to a body part. Certainly, there is nothing in Franklin which would suggest doing such a thing. Similarly, there is no reason for Franklin to transmit heat and no reason to modify Franklin to do so. The Examiner is hereby requested to provide a reference which teaches or suggests this claim limitation. With regard to claims 36 - 40, it is not sufficient for the Examiner to take Official Notice. Applicant hereby requests that the Examiner provide references which teaches or suggests the limitations of claims 36 - 40 and that the Examiner provide a line of technical reasoning as to why it would be obvious to provide Franklin with the features set forth in claims 36 - 40.

For the foregoing reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

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Response to Office Action dated March 27, 2008
Amendment dated June 27, 2008

Should the Examiner believe an additional amendment is needed to place the application in condition for allowance, the Examiner is hereby invited to contact Applicant's attorney at the telephone number listed below.

No fee is believed to be due as a result of this response.

Should the Director determine that an additional fee is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,

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